REMARKS

Status of the Claims

Claims 1 and 21 (Currently Amended)

Claims 2, 5-9, 11, 13, 18-22, and 24 (Previously Amended)

Claims 3, 4, 12, 14-17, 23, 25, 26 (Original)

Claim 10 (Cancelled)

Claims 1-9 and 11-26 are pending in the present application. Applicant has amended claims 1 and 21 to more clearly define the present invention.

Comments under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 3, 4, 9, 11-13, 18, 19, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Shavit and further in view of King. The Examiner has further rejected claims 2, 14, 15, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Shavit and King and further in view of Atcheson. The Examiner has rejected claims 5-8, 16, 17, 20, 24- 25 under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Shavit and King further in view of Filepp. It is the Examiner's position that the recited features of real time or interactive updates to assimilated product information based on customer requests are taught by a combination of applied references. It is the Examiner's position that the combined references of Suzuki, Shavit, King, Atcheson, and Filepp teach real-time or interactive or immediate updates to product information based on customer or user requests, and further including concurrent interactive business transaction sessions between different users. In view of Applicant's amended claims, Applicant respectfully traverses the

rejections. Applicant respectfully disagrees that the references taken collectively suggest the recited features.

Based on Examiner's Office Action dated May 22, 2003, it is the Examiner's position that Suzuki explicitly teaches real time updates to product information. The Examiner has identified specific passages in Suzuki that relate to the teaching—Col. 5, ll. 31-32 and 47-48. In response to the May 22, 2003 Office Action, Applicant argued that recording of transaction data at POS terminals—which is what Suzuki teaches in Col. 5, ll. 31-32 and 47-48—is not a real time update to product information. Applicant maintains that recording of transaction data at POS terminals is irrelevant to the process of updating product information displayed to users as taught by Applicant. More importantly, Suzuki teaches away from the present invention by teaching manual updates to product information at a host computer. The updates to the product information database do not result in or even suggest real time updates to assimilated product information displayed to a user. Even though a prior art reference in an obviousness rejection must be considered in its entirety, it is also important to consider "portions that would lead away from the claimed invention." MPEP § 2141.02 (citing *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1561 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)). Applicant respectfully submits that the teachings in the Suzuki reference relied upon by the Examiner, explicit or otherwise, cannot support the present rejections.

Suzuki teaches an integrated database in which data regarding business transactions performed by various parties are stored in order to create a complete transaction history. Col. 7, ll. 47-62. The integrated database at the host computer is

updated frequently during the processing of the business transactions. The integrated database at the host computer also includes product information (e.g., textile and apparel) from various sources. Although the transaction database is updated as transactions occur, an entirely different update approach is used for the product information databases at the host computer (such as the textile database and the apparel database).

In Col. 8, II. 28-46 and Col. 8, II. 50-55, Suzuki teaches "registration modes" for updating the product information databases at the host computer. These passages describe a "registration" process for obtaining data related to products (e.g., textiles and apparel) in which data from other sources is registered in the host computer databases based on a registration action performed by a user (presumably, an administrator). Col. 8, II. 19-26. Each textile company or apparel manufacturer must be contacted separately to complete the registration process. Suzuki teaches an administrator initiated database update function that is performed for each source independently of any subscriber requests for product information from the database. The updates to the product information database as taught by Suzuki do not result in real time updates to assimilated product information displayed to a user.

Applicant respectfully submits that Suzuki's teachings related to processing and recording of transactions through a host computer in order to store and maintain current transaction information are not relevant to the product information databases maintained at the host computer. More importantly, the explicit teachings of Suzuki in which periodic product information updates for each product information source are performed by an administrator teach away from the present invention. The currency of

the product information in Suzuki depends upon how frequently the registration process is performed for each textile company and apparel manufacturer. As a result, the product information from the host computer requested by subscribers may or may not be current. This problem is described in Applicant's specification, and it's a problem that Applicant's invention solves. Contrary to the Examiner's assertion, Suzuki does not teach, or even suggest, real time updates to assimilated product information displayed to a user and therefore, cannot support the present rejections.

Applicant respectfully submits that the Shavit and King references also teach away from the present invention. Like Suzuki, Shavit teaches a system for interactive online communications in which transaction information is exchanged and recorded in one or more databases. The system supports interactive connections to various computers and databases. Col. 8, ll. 5-15. The system further supports batch updates from the interactive system to data in remote databases. Col. 8, ll. 15-19.

Unlike Suzuki however, Shavit does not teach maintaining any host computer databases with product information for subscribers to review. In order to review product information from a distributor (i.e., access a catalog), a user must select a distributor with which to interact and then obtain access to the distributor's catalog. Col. 10, ll. 16-23 and Col. 12, ll. 54-63. In order to compare products from different distributors, the user must access the catalogs of each of the different distributors. This problem of requiring customers to "shop" one merchant at a time is described in Applicant's specification, and it's a problem that Applicant's invention solves.

King states that comparative information on products offered by various suppliers "would facilitate item selection." Col. 1, ll. 39-49. Although King refers to one of the

features of Applicant's invention, the reference does not teach or even suggest real time updates to a display of assimilated product information from various merchants. To support competitive comparison, King teaches a "private catalog" that is a special catalog separately owned by the customer and that is resident on a customer's local host computer system. Col. 4, Il. 15-33. King further teaches that the private catalog may be maintained by the customer or the supplier. The customer can download data periodically from a public catalog (Col. 4, Il. 27-28) or the supplier can issue batch transaction commands to send modifications to the customer's computer system (Col. 5, Il. 22-28). King therefore, teaches the essentially the same techniques for updating product information at a host computer that Suzuki teaches—periodic updates that are performed independently of subscriber requests for real time updates of assimilated product information on a display.

Applicant respectfully submits that the Suzuki, Shavit, and King references each contain passages that teach away from the present invention by requiring customers to shop each merchant's computer system separately or by providing only periodic updates to a product information database at host computer. Applicant respectfully submits that because the three primary references upon which the Examiner relies have "portions that would lead away from the claimed invention," they cannot render the present invention obvious to one of ordinary skill in the art.

Applicant's invention represents a significant improvement over the prior art because information regarding a variety of products and services may be obtained, and more importantly updated, directly from the merchants' computer so that the user may

compare the current offerings of the different merchants. Applicant respectfully submits the amended claims patentably define the present invention.

Upon consideration of this response, Applicant respectfully requests that the Examiner contact Applicant's representative by telephone or email to schedule a telephone interview to discuss the present application.

Respectfully submitted,

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